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In re Application of
Alain DION et al.
Application No.: 10/049,643
PCT No.: PCT/FR00/02247
Int. Filing Date: 04 August 2000
Priority Date: 24 August 1999
Attorney Docket No.: 219210US6XPCT
For: TOOL FOR PRODUCING CAMSHAFTS
BY EXPANDING

DECISION ON
PETITION
UNDER 37 CFR 1.181

This is a decision on applicants' "Petition under 37 CFR 1.181 to Withdraw Holding of Abandonment" filed on 06 February 2003 in the United States Patent and Trademark Office (USPTO) advising that a declaration was filed on 19 June 2002 in the above referenced application. No petition fee is required.

On 19 April 2002, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b). On 19 June 2002, a Response to Notice of Missing Requirements under 35 U.S.C. 371 was received in the USPTO accompanied by an executed declaration.

On 13 January 2003, a Notification of Abandonment was inadvertently mailed to applicants indicating that no reply to the 19 April 2002 Notification of Missing Requirements was received and the application was abandoned. On 06 February 2003, applicants submitted the instant petition under 37 CFR 1.181 along with a copy of a USPTO date-stamped itemized postcard receipt indicating that the declaration was allegedly deposited on 19 June 2002.

A review of the application file reveals that a declaration was filed on 19 June 2002 and is found in the application file. The declaration was received and is date-stamped "REC'D PCT/PTO 19 JUN 2002". The declaration, executed by the inventors, is acceptable as it meets the requirements of 37 CFR 1.497 and 35 U.S.C. 371.

CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.181 is **MOOT**. The 13 January 2003 Notification of Abandonment is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c) date is **19 June 2002**. A refund of the \$130 petition fee will be credited to applicant's deposit account.

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